



## UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR			ATTORNEY DOCKET NO.	
09/379,851	08/24/99	JOUTRAS		F 5	58-9-13-1	
			→ [	EX	(AMINER	
		QM12/0327				
VINCENT L CARNEY PO BOX 80836				FARTUNITR,	PAPER NUMBER	
LINCOLN NE 6				3764	5	
				3764 DATE MAILED:		
				(	03/27/01	

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

9 The specification is objected to by the Examiner.  10 The drawing(s) filed on is/are objected to by the Examiner.  11 The proposed drawing correction filed on is: a) approved b) disapproved.  12 The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).	<u> </u>									
Examiner		Application No.		Applicant(s)						
Period for Reply  As HORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION.  Edentation from page variety to this page variety to the page of th	*Office Action Summary	09/379,851		JOUTRAS ET AL.						
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estonations from many be writing under the previous of 3 CFR 1.18 (c). In no event, however, may a reply be limitely filed after 3k (6) MCDIT-15 from the mailing date of this communication, reply within the attation with many to a variety of the mailing date of this communication.  Falson to the many be available under the previous of 3 CFR 1.18 (c). In no event, however, may a reply be limitely filed after 3k (6) MCDIT-15 from the mailing date of this communication of the provision of the provision of the second of the communication of the provision of the provision of the second of the second of the second of the provision of the provision of the second of the provision of Claims  4) Claim(s) 1-24 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are subjected to by the Examiner.  10) The drawing(s) filed on is/are objected to by the Examiner.  11) The proposed drawing correction filed on is/are objected to by the Examiner.  12) The oath or declaration is objected to by the Examiner.  12) The oath or declaration is objected to by the Examiner.  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some *c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. See the attached detailed Office action for domestic priority under 35 U.S.C. § 119(a).  Aktachment(s)  Matchinert(s)  Altachment(s)  13) Notice of Informal Patent Application (PTC-15).		Examiner		Art Unit						
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>1</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - state SIX (8) MONTH'S from the mailing date of this communication.  - if the period for reply selected above, the machinum statistic president size with the statutory minimum of thinty (30) days will be considered timely.  - if MO period for reply a specified above, the machinum statistic president size with the statutory minimum of thinty (30) days will be considered timely.  - if MO period for reply a specified above, the machinum statistic president size of the communication.  - if MO period for reply a specified above, the machinum statistic president size of the communication			·							
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be variable under the provisions of 3 CFR 1.13 (c). In no event, however, may a reply be timely flied uther 50 (c) MCNTTS from the mailing date of this communication, and the solid policy of the considered timely.  Ill NO parido for reply is specified above, the maximus attentory paried talegay and ville regions (b) (MCNTTS) from the mailing date of this communication.  Failure to reply visible his set or extended period for reply vill. by statele, cause the splication to become ABANDONED (38 U.S.C. § 133).  Any reply received by the official active than three mains there the mailing date of this communication, even if timely flied, may reduce any  Status  1) Responsive to communication(s) filled on <i>QB January</i> 2001.  This action is FINAL.  2a) This action is FINAL.  2b) This action is FINAL.  2c) This action is FINAL.  2c) This action is FINAL.  2b) This action is replaced to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1:24 is/are pending in the application.  4) Claim(s) 1:24 is/are pending in the application.  4) Claim(s) 1:24 are subjected to.  5) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) is/are objected to by the Examiner.  10) The drawing(s) filed on is/are objected to by the Examiner.  11) The proposed drawing correction filed on is: all approved b) disapproved.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All by Some * c) None of:  1 Certified copies of the priority documents have been received in Application No.  2 Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  **See the attached deflaced Office action for a list of the certified copies of the priority documents hav	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply									
2a)  This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-24 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are objected to.  8) Claims 1-24 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are objected to by the Examiner.  11) The proposed drawing correction filed on is: a) approved b) disapproved.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).	THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).									
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-24 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claims 1-24 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are objected to by the Examiner.  11) The proposed drawing correction filed on is: a) approved b) disapproved.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).	1) Responsive to communication(s) filed on <u>08 Ja</u>	anuary 2001 .								
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)	2a) ☐ This action is <b>FINAL</b> . 2b) ☐ This	s action is non-fir	nal.							
4) Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claims 1-24 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are objected to by the Examiner.  11) The proposed drawing correction filed on is: a) paproved b) disapproved.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).	3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.									
4a) Of the above claim(s) is/are withdrawn from consideration.  5)	Disposition of Claims									
5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claims 1-24 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are objected to by the Examiner. 11) The proposed drawing correction filed on is: a) approved b) disapproved. 12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Altachment(s)  15) Notice of References Cited (PTO-892) 16) Notice of Oraftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152)	4)⊠ Claim(s) <u>1-24</u> is/are pending in the application.									
6   Claim(s) is/are rejected. 7   Claim(s) is/are objected to. 8   Claims 1-24 are subject to restriction and/or election requirement.  Application Papers  9   The specification is objected to by the Examiner.  10   The drawing(s) filed on is/are objected to by the Examiner.  11   The proposed drawing correction filed on is: a) approved b) disapproved.  12   The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in Application No  3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).	4a) Of the above claim(s) is/are withdrawn from consideration.									
7) ☐ Claim(s) is/are objected to.  8) ☑ Claims 1-24 are subject to restriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on is/are objected to by the Examiner.  11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved.  12) ☐ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) ☐ Notice of References Cited (PTO-892)  18) ☐ Interview Summary (PTO-413) Paper No(s)  19) ☐ Notice of Informal Patent Application (PTO-152)	5) Claim(s) is/are allowed.									
Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are objected to by the Examiner.  11) The proposed drawing correction filed on is: a) approved b) disapproved.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)	6) Claim(s) is/are rejected.									
Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are objected to by the Examiner.  11) The proposed drawing correction filed on is: a) approved b) disapproved.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  16) Notice of Draftsperson's Patent Drawing Review (PTO-948)	7) Claim(s) is/are objected to.									
9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are objected to by the Examiner.  11) The proposed drawing correction filed on is: a) approved b) disapproved.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)	8) Claims 1-24 are subject to restriction and/or election requirement.									
10) The drawing(s) filed on is/are objected to by the Examiner.  11) The proposed drawing correction filed on is: a) approved b) disapproved.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  19) Notice of Informal Patent Application (PTO-152)	Application Papers									
11) The proposed drawing correction filed on is: a) approved b) disapproved.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  19) Notice of Informal Patent Application (PTO-152)										
12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  19) Notice of Informal Patent Application (PTO-152)										
Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s).  Notice of Informal Patent Application (PTO-152)										
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  19) Notice of Informal Patent Application (PTO-152)										
a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  19) Notice of Informal Patent Application (PTO-152)	Priority under 35 U.S.C. § 119									
a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  19) Notice of Informal Patent Application (PTO-152)										
2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  19) Notice of Informal Patent Application (PTO-152)										
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s).  19) Notice of Informal Patent Application (PTO-152)	,— ,— ,—									
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s).  19) Notice of Informal Patent Application (PTO-152)										
Attachment(s)  15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  16) Notice of Draftsperson's Patent Drawing Review (PTO-948)  19) Notice of Informal Patent Application (PTO-152)	3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).									
15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  16) Notice of Draftsperson's Patent Drawing Review (PTO-948)  19) Notice of Informal Patent Application (PTO-152)	·									
15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  16) Notice of Draftsperson's Patent Drawing Review (PTO-948)  19) Notice of Informal Patent Application (PTO-152)										
15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s)  16) Notice of Draftsperson's Patent Drawing Review (PTO-948)  19) Notice of Informal Patent Application (PTO-152)	Attachment(s)									
	15) Notice of References Cited (PTO-892)  16) Notice of Draftsperson's Patent Drawing Review (PTO-948)	19)	Notice of Informal P							

Application/Control Number: 09/379,851

... Art Unit: 3764

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-12, drawn to an orthotic, classified in class 602, subclass 5.
  - II. Claims 13-19, drawn to a method of reducing arthrokinetic dysfunction, classified in class 601, subclass 33.
  - III. Claims 20-24, drawn to a method of aiding a person in physical activity, classified in class 482, subclass 5.
- 2. The inventions are distinct, each from the other because of the following reasons:

  Inventions I and II are related as process and apparatus for its practice. The
  inventions are distinct if it can be shown that either: (1) the process as claimed can be
  practiced by another materially different apparatus or by hand, or (2) the apparatus as
  claimed can be used to practice another and materially different process. (MPEP §
  806.05(e)). In this case the process, as claimed, can be practiced by another materially
  different apparatus, such as an orthotic apparatus that does not include a jointed limb
  brace or one that does not include a friction means. Also, the apparatus can be used to
  practice a method of strengthening joints or limiting movement, materially different
  processes than a method of reducing arthrokinetic dysfunction.
- 3. Inventions I and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP §

Application/Control Number: 09/379,851

Art Unit: 3764

806.05(e)). In this case the process as claimed can be practice by another materially different apparatus, such as an orthotic apparatus that does not include a jointed limb brace or one that does not include a friction means. Also, the apparatus can be used to practice a method of strengthening joints and ligaments or limiting movement, materially different processes than a method of aiding in physical activity.

- 4. Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not discloses being capable of being used together and they have different operations (tracking versus resisting natural forces that are offset) and different functions (one to reduce arthrokinetic dysfunction after determining tracking problems of a patient and the other a method of aiding a person in physical activity by providing resistance in the direction of offset natural forces).
- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 6. Because these inventions are distinct for the reasons given above and the search required for Group I, Group II, Group III is not required for Groups II and III, Groups I and III and Groups I-II respectively restriction for examination purposes as indicated is proper.

Page 4

7. A telephone call was made to Vincent Carney on March 22, 20001 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

- Applicant is reminded that upon the cancellation of claims to a non-elected 8. invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 9. Applicant has traversed the species requirement in the previous Office Action, provisionally elected Species D, Figure 42. If applicant elects the orthotic apparatus. applicant's traversal will be addressed.
- 10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise M. Pothier whose telephone number is 703.308.0993. The examiner can normally be reached on Monday-Thursday and alternate Fridays. The fax phone numbers for the organization where this application or proceeding is assigned are 703.308.3580 for regular communications and 703.308.3580 for After Final communications.

Application/Control Number: 09/379,851

. Art Unit: 3764

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Everett Williams whose telephone number is 703.305.1708.

Denise Pothier March 22, 2001